IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16357 of 2004

Between:

Elagani Papaiah Goud,

S/o Late Elagani Kistaiah Goud,

Hindu, Occu:Agricultural coolie,
R/o H.No. 23-703.B.2.23. A.1,

Amberpet, Tirumalanagar, Hyderabad-13.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep. by its Secretary, Land

Acquisition, Secretariat, Hyderabad.
2 The District Collector, Ranga Reddy District, Lakdikapool, Hyderabad.
3 The Special Deputy Collector, Land Acquisition International Air Port,

Shamshabad, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction, particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not allotting the alternative house site to the petitioner herein in lieu of his house property acquired under the provisions of Land Acquisition Act for the purpose of construction of International airport at Shamshabad, Pursuant to the Notification issued in Gazette dated 21-4-2003 , as arbitrary , illegal and violative of Article 300-A of the Constitution of India,

and consequently direct the respondents to provide alternative house site to the petitioner anywhere near the proposed International Airport at Shamshabad, as per his representation dated 28-8-2004, forthwith,

Counsel for the Petitioner:MR.CHALLARI NAGESWARA RAO

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court at the stage of admission made the following O R D E R:

Under Section 4(1) Notification of the Land Acquisition Act, the petitioner's house site was acquired by the Government for the purpose of establishing an International Air Port at Shamshabad. The petitioner filed an application that in lieu of compensation he may be allotted an alternative house site for constructing a house.

The only submission made by the learned Government Pleader for Land Acquisition appearing on behalf of the respondents is that the respondents' authorities have to consider the claim of the petitioner in the light of the scheme if any prepared for the allotment of alternative land.

In view of the same, the respondents shall consider and pass appropriate orders on the representation made by the petitioner if there is any scheme under which, the petitioner is entitled to have an alternative land. If there is no such scheme formulated, it is needless to add that the petitioner is entitled to receive compensation for the deprivation of his house site under the provisions of Land Acquisition Act.

With the above observations, the writ petition is disposed of accordingly. No costs.

14th September, 2004

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To

1 The Secretary, Government of Andhra Pradesh, Land

Acquisition, Secretariat, Hyderabad.
2 The District Collector, Ranga Reddy District, Lakdikapool, Hyderabad.
3 The Special Deputy Collector, Land Acquisition International Air Port,

Shamshabad, Ranga Reddy District.

4 Two C.Cs to the Government Pleader for Land Acquisition, High Court of

A.P., Hyderabad.(OUT)

5 Two CD copies.